

## ESTIMATE BOARD HAS TOPAY TRANSIT BILL

Appellate Division Decides Commission's Requests Must Be Met.

\$570,000 INVOLVED NOW

Hylan Sees Hard Blow to Home Rule in Decision, Probably Final.

CALL SENATOR JOHNSON

City Officials Hoping to Have Ruling Overturned, Get No Solace.

The Appellate Division yesterday handed down a peremptory writ of mandamus compelling the city Board of Estimate and Apportionment to honor the Transit Commission's requisition for funds. The issuance of the writ came close after the sweeping decision of the Court of Appeals upholding the Transit Commission law.

The order, which is final and admits of no further appeal or delay, makes it mandatory upon the Board of Estimate to appropriate immediately about \$70,000 to meet the commission's pay roll and other expenses for the last two weeks of 1921.

It will bring early relief to the 950 employees of the commission, most of whom receive less than \$2,000 a year and whose pay has been in arrears since December 15.

The writ also compels the board to honor the commission's requisition for \$500,000 more to be used on account of defraying expenses for 1922 until more money shall become necessary. It is expected that the board will take the necessary formal action at its regular meeting tomorrow.

Argument for and against the writ was made before the Appellate Division last Friday. Godfrey Godmark representing the Transit Commission and Assistant Corporation Counsel Mayer the city administration. At the request of the latter, who spoke for John P. O'Brien, Corporation Counsel, the court withheld its decision pending filing of the expected opinion of the State Court of Appeals upon the major issue of the commission's constitutionality.

Appeal by City Improbable.

In all probability the city will make no immediate effort to appeal to the United States Supreme Court. Tuesday's decision by the unanimous bench of the State Court of Appeals. Senator Hylan W. Johnson, the Hylan champion who argued the city's case before the latter court, was summoned to the city yesterday by Corporation Counsel O'Brien. The two conferred for about four hours.

Mr. O'Brien, after the conference, said: "Just what our course of action will be has not yet been definitely determined. There will be further conferences."

Senator Johnson gave out a statement in which he said:

"The case just closed was this: Two requisitions were presented by the Transit Commission for which appropriations were not made, the city contending it was entitled to know the purposes for which the taxpayers' money was to be expended; that the Transit Commission should itemize its demands and tell of its expenditures, just like other departments of the city's funds, and the city contended, too, that the transit act was unconstitutional. The court upholds the law, at least as to the validity of the commission's demands."

"The most important of the city's constitutional objections arises from the taking of the property of the city for the impairment of the obligations of its contracts. These questions apparently are not referred to in the majority opinion and their decision is expressly reserved by the minority of the court. In other decisions on the Transit Law it has been held they are not ripe for decision yet and will not be until the proposed plan of the commission is adopted and attempted to be enforced."

"It is most unfortunate that a municipality like New York, or any city for that matter, may have its funds wrung from overburdened taxpayers, dissipated at will by those not residents of the city, who do not contribute to its assets, pay none of its taxes and have no interest other than political advantage in its welfare."

"Such a condition is a violation of the fundamental principles of American Government. It has arisen in the past doubtless because we never can get them to govern better than all the people, but to admit the principle degrades the essence of municipal freedom and makes a mockery of democracy."

"The city authorities, the civic bodies, the organizations devoted to municipal improvement and progress should attack the monstrous proposition until a righteous Statewide public opinion forces the remedy."

Hylan Sees Bar to Home Rule.

Mayor Hylan, before he left the city to attend the funeral of an aunt, said: "If that decision stands we never can have home rule until the State constitution is amended. The people of the cities are practically deprived of every right and I hope that no court will hold that the people of New York and other cities of the State can be shot at sunrise."

The Mayor's comment and that of Senator Johnson, after his conference with Corporation Counsel O'Brien, were construed as foreshadowing this probable program on the part of Mayor Hylan and his followers.

No further attack upon the constitutionality of the Transit law until after the commission's perfected plan for reaping the fruits and utilization of the railways shall have afforded opportunity for a new test case based upon impairment or modification of city contracts. Then the assault will be renewed upon a new front.

In the meantime, the Transit Commission's progress toward the consummation of its plans is to be impeded whenever possible in the hope that next autumn's State elections may change the complexion of the Legislature as to make possible repeal of the Transit law.

Between now and then, Mayor Hylan and his lieutenants will strive to promote a Statewide propaganda favoring a constitutional amendment with home rule as its slogan.

## New Rochelle Rejects Marvelous Carrousel

TASOS POLYCHRON, Logoro Mellas and John Kakouras have started mandamus proceedings to compel New Rochelle city authorities to permit them to construct and operate a merry-go-round at the entrance to Hudson Park.

In the application for the order Polychron, Mellas and Kakouras say their merry-go-round will be an instrument of rare beauty, furnishing music and harmony of the highest type. But even in spite of this residents of the district, the Mayor said, told him they did not want it, so he refused to issue the permit.

## NEW TRANSIT PLAN SOON, SAYS MILLER

Believes Commission Has Reached Definite Point in Investigation.

Special Dispatch to THE NEW YORK HERALD.

New York Herald Bureau, Albany, Jan. 18.

New York will have its new transit plan, reorganizing its municipal railway system, within a few weeks, Gov. Miller expects. Expressing his complete gratification with the decision of the Court of Appeals sustaining the important principles for which he fought so hard last year, the Governor said to-day that he believed "a definite plan" is almost completed.

It is known that the Governor and the commission he named are confident that this "definite plan" will solve the bad transit muddle which has been getting more and more tangled in New York year after year for the last decade until it has become almost hopeless.

Asked to comment on the Court of Appeals decision, the Governor said:

"The decision could not be more gratifying because it disposes not only of the somewhat technical questions upon which the Court might have put the decision, but the broad question upon which the validity of the act depends."

"Have you an idea how soon the Transit Commission's plan may be ready?"

"I am not a prophet, but I should say it would be a matter of weeks instead of months. I should say that the commission has arrived at a point at which it ought to be ready to submit a plan covering the whole situation in New York."

Commenting on the memorandum filed by Judge Charles C. Hogan, on one point the Governor said:

"That memorandum emphasizes the fact that a majority of the court have decided the whole case. The three Judges reserve judgment on that which they thought it was not necessary to decide; but the importance of the question was such and the questions raised was such that a majority of the court decided, and I think wisely, all the questions at this time."

## FLYPAPER IS USED BY FIRE ESCAPE THIEF

Deadens Sound of Breaking Glass, Police Say.

William O'Brien, 29, who said he lived in Buffalo, was arrested by Detectives Cosmo and Burns of the Tremont station in The Bronx after he had cased his four blocks along Rye avenue and the Concourse and had fired six shots at him. He was locked up with robbery of the apartment of Mrs. Alice Watson of 2342 Rye avenue.

Police say O'Brien's method of entering apartments has been to go down the fire escape to a window, paste a sheet of flypaper over the glass to deaden the sound and then smash the window. The use of flypaper, they said, is something new in The Bronx, although it is a common practice for thieves to paste paper over glass they desire to break in.

## DETECTIVES IN RAID MISTAKEN FOR BANDITS

Arrest One as Drug Dealer, Three as Addicts.

Detectives Quigley and Taborini of the Narcotic Squad, making a raid with drawn revolvers in a hallway at Eighty-first street and First avenue last night, were mistaken for holdup men by excited pedestrians, who called for the police. Several uniformed men were soon at the scene of the trouble and assisted the detectives in arresting Paul Colb, 44, of 103 East 103th street, Thomas Mangano, 24, of 230 East Seventieth street; John Murray, 24, of 228 East Eighty-ninth street, and David Naak, 25, of 1629 Second avenue. Colb was charged with selling heroin and the others were taken in custody as addicts.

The detectives said they had suspected that the hallway was being used for the sale of drugs. When they entered it last night they were confronted by the four men, who resisted arrest. The detectives with their revolvers drawn, were crowding the four men into the street when pedestrians saw them.

## YOUTHFUL BIGAMIST BLAMES IT ON 'LARK'

When Leroy Andrews, 24, of 981 Union avenue, The Bronx, was arraigned before County Judge Louis D. Gibbs in The Bronx yesterday on a charge of bigamy his mother told the court her son had married a second woman "in a spirit of mischief" and then had appealed to her to get him out of it. Andrews was married first in January, 1919, according to the testimony of wife No. 1, and in February, 1921, took his second matrimonial step. Testifying in his own behalf, he said the second marriage was "the result of a lark."

Judge Gibbs, holding the testimony in the case to be conflicting, suspended sentence and directed Andrews to report to a probation officer once a week for five weeks. The young man, ignoring the appeals of both wives, left the court room with his mother.

## Ship's Prow Chops Whale in Two, Giving South Shore Cap'n's a Tip

The Amagansett cap'n should hire a liner if they want to be certain of knocking out the next whale that derelictly spouts at them off the beach.

The President Wilson of the Council fleet, might give the Amagansett harpooners some points, perhaps fourteen, on the art of killing whales, as she reported yesterday on her arrival from Mediterranean ports that she had cut a great bull whale in two in mid-ocean. The big fellow was apparently taking a drifting sloop when the steel prow of the liner transferred him from sleep to the other that knows no waking.

The lookouts did not notice the whale, but they were jarred like the rest of the ship's company when the liner curved her way straight through the big body

## CATCH TWO FEEDING SLUGS TO SUBWAY

Brother and Sister First to Fall Victims to the New Turnstiles.

600 BOGUS COINS DAILY

Real Money From Every Foreign Land Has Been Found in Machines.

## BLAST OF MANHOLE STARTS BOMB PANIC

Financial District in an Uproar and Many Have Narrow Escapes.

STEEL HAIL HURTS TWO

Sidewalks Are Dented and Chunk of Granite Is Cut From Building.

It was inevitable that sooner or later some one would be caught feeding the new turnstiles in the subway slugs instead of nickels. Virtually everybody who could muster up a slug has tried it. They tried it and learned that after all there is a great similarity between a subway gate and a large number of human beings in that it will swallow anything that looks and tastes like the genuine.

It was just Solomon and Freda Barzan's luck to be about the first caught slipping slugs into the turnstile machine. Solomon is Freda's brother and they live in 155 West End avenue, Manhattan Beach. Yesterday fate singled them out as the inevitable victims of chance, for John Kearns, a special officer employed as a detainer for those turnstiles and who in this capacity was closely observing the feeding of the gates in the Brighton station, arrested the Barzans and took them before a magistrate.

They pleaded guilty and were held in \$300 bail for special sessions. Meanwhile, doubtless, other folks were dropping other slugs into the turnstiles and adding to the great number of curious slugs that appear every night as I. R. T. and B. R. T. cashiers count up the day's income.

## Nickel a Useful Coin.

In the offices of the two corporations it is said the world has no idea how many things will do the work of a nickel provided they are lavished upon a machine or a blind man. There are only 500 turnstiles in service. When all stations become equipped with them there will be no telling what will happen.

One way out will be to station a guard at each turnstile and let him keep a large, firm hand over the slot. The approaching patron will hand the guard his nickel. The guard, having satisfied himself that it is food producing coin and not the product of a scrap heap, will then deposit the nickel in the slot and turn the lever over into the hands of the blind man.

Another method of keeping slugs out of the gates would be to risk everybody before permitting him to enter the kiosks or stations. Anybody equipped with substitutes for nickels would be deprived of his or her subway privileges for, say, six months. This method, like others, would have to be carried out by the ordinary man or woman to remain out of the subway for six months and he or she would wax strong enough to jam those human catapaults who wall-plop you into the first train that comes along whether it is the one you want to ride in or not—to jam those Times square bouncers, to repeat—in the turnstile slots.

## 600 Slugs Found Daily.

But to get back to the daily intake of the turnstiles. It is estimated, how accurately is a question, that the Interborough accumulates three tons of slugs and substitutes a day. There are 600 ten pound sacks of them to be sorted. Never has the lowly nickel been so flattered by imitation. In collections tellers are accumulating are coins of every country that has representatives in New York.

## RAISE GRANITE STATE TO FINISH DESTRUCTION

Old Frigate to Be Salvaged by J. P. Mulholland.

The charred hulk of the old frigate Granite State was raised from her mud bed at Ninety-sixth street and the Hudson River yesterday, in preparation for removal to some unfrequented mud flat, where she may be burned. Great derricks of the Merritt & Chapman Wrecking Company lifted the hulk while pumps worked to suck the water from the hold. The holes made in the sides last May, when she was swept by fire, were patched with concrete.

Joseph P. Mulholland of the Mulholland Machinery Corporation, who bought the wreck for \$5,000, will salvage everything worth saving. He expects to profit through the disposal of 2,500 penknives, 1,000 officers' coats, 2,500 uniforms and 2,000 rifles and automatic pistols, all of which are in the hold of the wreck.

The Granite State, long used as training ship for the Naval Militia, was built in Portsmouth in 1818. As the New Hampshire she was fought in the civil war.

## TEN GUARD HOY TO PRISON.

William Hoy, convicted of the murder of Patrolman Daniel J. Neville, was taken by Sheriff Percy Nagle and nine deputies yesterday to Sing Sing prison to begin a term of twenty years to life imprisonment. Nine other prisoners were taken to Ossining.

Additional guards were used because it was feared Hoy's friends might make trouble.

## BLAST OF MANHOLE STARTS BOMB PANIC

Financial District in an Uproar and Many Have Narrow Escapes.

STEEL HAIL HURTS TWO

Sidewalks Are Dented and Chunk of Granite Is Cut From Building.

A manhole cover of the sort two men can scarcely lift flew off at Rector street and Broadway yesterday afternoon at 1:35 with a roar and a flare of flame and soared as high as the clock in old Trinity. Before its shattered bits rained down among pedestrians on crowded sidewalks the financial district was in the first stages of a panic.

It seemed certain to frightened persons dodging bits of steel that a bomb had exploded. The sight of several men lunging flat in the muddy street, and especially of one man with a bleeding gash in his scalp, who had been hurled across Broadway, intensified the fear.

In the offices of the Central Trust Company, 80 Broadway, directly opposite from the explosion, some one grabbed a telephone and called the Broad Street Hospital.

"Send ambulances," he called. "There's been a big explosion."

## Ambulances Arrive.

The hospital authorities acted quickly, and scarcely had crowds who had taken refuge in doorways come surging back and forth a telephone and called the Police Headquarters two ambulances had brought four doctors.

Why the manhole fragments, which dented sidewalks and cut a big chunk of granite out of the steps of Shearson, Hammill & Co., of 73 Broadway, did not kill or injure scores was a bit of good fortune.

The most severely injured man, Leo W. Twombly, employed by the American Agricultural Chemical Company of 2 Rector street, said in the Broad Street Hospital he had never been nearer death during his service in a navy transport.

"I was turning into Rector street when I saw a flash," he said. "The next thing I knew I was on the other side of Broadway, with one of my fingers ripped to the bone and with a big cut in my head. I tried to get up, but fell back against a building." He was able to go to his home in East Orange.

Milton Hauer of 42 East Eighty-sixth street, who said he was in the importing business, got a face filled with dirt.

## Reservists Are Called.

The crowd that dashed toward the still flaming manhole blocked Broadway. Mounted Patrolman Arthur Hensler and Patrolmen Harry Vroom and William Wallace of the Old Slip precinct fought back the curious until Sergeant Edward Dwyer, a special squad and the reserves arrived.

A truck owned by the American Railway Express Company, driven by Samuel Nussbaum, added to the confusion by dropping one wheel into the open hole. It was extricated by emergency men who arrived from the sea, electricity and other companies, and opened up nearby manholes.

The manhole was not one of the sewer openings but led to a small chamber having telephone and electric cable conduits. A game from the Department of Water Supply pierced the pavement with bars near the manhole while hunting for leaks in the water mains and probably caused an explosion.

## ALLAN RYAN SAILS: NAME NOT ON LIST

Has Nothing to Say on Stutz Case, Nor Reveals Plans.

Allan A. Ryan sailed yesterday by the French liner Paris, after taking the precaution to have his name omitted from the passenger list. He made no effort to conceal himself or his identity when seen leaning against the rail on the promenade deck, gazing toward the pier, apparently expecting somebody, who failed to appear.

Mr. Ryan asked if he would like to make a statement about the Stutz Automobile Company or the suits against him because of stock transactions, and he said he had "nothing to say."

Other ships have appeared and killed whales, including the old North German Lloyd steamship Kaiser Wilhelm der Grosse, which long before the war decorated her bow with a part of a whale she had run down.

## FIRE APPARATUS WILL BE ALL MOTOR MARCH 1

Contracts Are Let for Last Twenty Machines.

With the installation of twenty new machines for which contracts have been placed by the purchase of the New York Fire Department will be complete by March. Fire Chief John Kenion said last night in an address at a testimonial dinner of the Firemen's Association that the Fire Department in the Hotel Commodore. Since motorization was begun the Fire Department has purchased and tested out 1,016 pieces of motor apparatus at an average cost of \$10,000 each.

With complete motorization, Chief Kenion said, the efficiency of the Fire Department will be increased fivefold and it will be possible to mobilize 100 pieces of fire fighting apparatus and 1,000 men in any part of the city within half an hour.

Fire losses in 1921 amounted to \$18,000,000, the chief said, while property valuation was \$20,000,000. He said there is not a minute of the day or night when a fire is not burning somewhere.

## WIFE SLAYER SENTENCED.

Alexander Szales of Perth Amboy, who murdered his wife following a drinking bout on Christmas Day, was sentenced to life imprisonment yesterday by Supreme Court Justice James J. Bergen in the County Court at New Brunswick. The murder followed a quarrel with Mrs. Szales, who also had been drinking.

## Advertisement.

25% Off Suits and Overcoats

The time has come to sell winter clothing and here are splendid all wool suits and overcoats 25% off.

\$30 Suits and Overcoats, \$22.50  
\$38 " " " " \$28.50  
\$40 " " " " \$30.00  
\$50 " " " " \$37.50  
\$75 " " " " \$56.25

G. N. VINCENT, 324 6th Ave., Bet. 31st & 32nd Sts.

Broadway at Ninth, New York  
Telephone 4700 Stuyvesant

## It is Recorded in History that Magna Charta

created fortresses and honors for business when the "Great Charter" made by King John, enlarged by King Henry III, and confirmed by King Edward I. in the five and twentieth year of his reign, bestowed on merchants honours and privileges peculiar to princes and in time of war gave them the sanctity of Ambassadors.

True it is that "figures do not lie."

Business deals in money and merchants are like billiard players, who put money into pockets, but they cannot keep it there.

It is constantly put into a round of circulation that touches the wheel on the sheep's back and the cotton being tilted in the Southern fields, the railroads and ships that transport it and the mills and workers that weave it and prepare the fabrics to become coins of comfort for the people who need the world's products.

[Signed]

John Wanamaker

January 19, 1922.

## AU QUATRIEME

23 Old Venetian

18th Century

Lacquer Trays

and a Dozen Boxes at Half

Their Original Prices

No English or French rival producers ever caught the same note of exaggerated gaiety," says a writer speaking of painted Venetian furniture, "which, he goes on to say, 'stands alone for there gioia di vivere.'"

As true of the trays and boxes in paint and lacquer as of the painted Venetian furniture!

Where can we match such enchantments of color—old ivory, riotous pink, purple that has wedded blue, green of dewed myrtle, luscious gray... deep yellows and red like frozen fire of sunset?

All these colors, dimmed and softened by age, play over the varied surfaces of these delightful painted trays of wood which take many capricious shapes, irregular, with handles or handle-holes, round, square, oblong, big and little.

The decorations are Chinoiserie designs of fruit and flowers, elegant, purely Venetian.

These trays, lovely for wall decoration as for use, have all been reduced in price until now they are but half what they were; \$7.50 for a charming small card-tray to \$50 for a large serving tray; were \$15 to \$100.

## Venetian Boxes

—a baker's dozen—offer the same mellowed old tones, all in lacquer paint over wood. Some are large, coffer-shaped boxes, excellent for papers or cards, others smaller in size and shape, for bijoux on one's dressing table.

\$30 to \$100. Were \$50 to \$200. Fourth Floor, Old Building



## GREENBRIER

Tweed Sports Frock with its own cape

Specialized at \$37

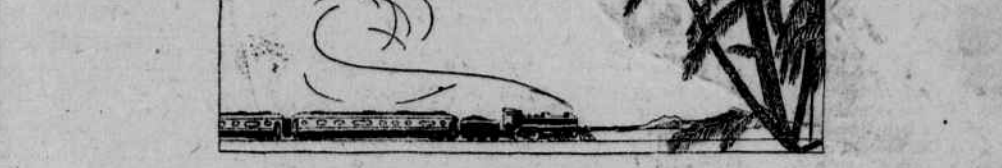
For Miss 14 to 20

The tweed is of excellent quality in delightful shades of blue, violet, green or rose.

Second Floor, Old Building, Tenth Street

Store Hours 9 to 5.30

## If You Are Going South—



The newest frocks—the smartest suits—sports clothes of every sort—are ready in our most distinguished collection of things for southern wear. In the delightful colors of the new season—white, maize, brilliant reds, the new dark green, the restful and always chic taupe and grays.

IN THE WOMEN'S FASHION SALONS

## Frocks

Knitted frocks of silk or wool, many of them from Paris, come first, for they are special favorites of the mode—the sort of frocks in which one is correctly dressed from before breakfast until dinner time.

Kasha cloth, flannel and wool jersey in tailored frocks, sometimes with little capes. Gingham for morning, organdies for afternoon and crepe or striped silk frocks for both.

More elaborate gowns for dinner and evening wear of metal lace, or gros de Londres, trimmed with quaint flat flowers; long trailing gowns of chiffon, or crepe gowns, crystal or pearl trimmed.

## Suits and wraps for sports wear

Kasha cloth; pique, with a fascinating yellow and white cretonne jacket; flannel, closely quilted cotton cloth—a new material—in white, with a narrow black patent leather belt, make most delightful suits.

Knitted wool suits from Paris, in gay colors, bound with black crepe braid. Tweeds in rose, blue, lavender and the soft browns and mixtures for those whose south is no farther away than North Carolina or Virginia.

Coats of soft wool, to wear motoring, and capes of knitted fibre-silk and wool, or of heavier wool to wrap around one's self on cool days.

## Hats

Gay hats of ribbon or embroidered faille, pleasantly drooping hats of straw or taffeta with garlands of many colored flowers, and sometimes the new short back. Felt hats, trimmed with straw or just a ribbon band for sports wear.

## Blouses

Silk triclot blouses—Paris's new conception of the sports blouse—in all the colors of the rainbow—some made even more brilliant by such enchantments of color—old ivory, riotous pink, purple that has wedded blue, green of dewed myrtle, luscious gray... deep yellows and red like frozen fire of sunset?

All these colors, dimmed and softened by age, play over the varied surfaces of these delightful painted trays of wood which take many capricious shapes, irregular, with handles or handle-holes, round, square, oblong, big and little.

## Chaufeurs' Ulsters

Our \$39.50 grade

All wool double breasted dark gray ulsters, sizes 34 to 46.

50 full wool lined.

50 wool yoke lined.

The Men's Shops, Burlington Arcade Floor, New Building

## Black Spanish Lace Silk—36 in.—\$2.95

Beautiful heavy quality of all-over lace—so soft and silky that it drapes exquisitely.

Stunning large designs, or conventional floral patterns; square mesh effects in many of the popular patterns are responsible for some of the season's most charming models.

Desirable not only for entire gowns, but for sleeves, sashes and panels on crepe and satin gowns. First Floor, Old Bldg.

## Hurt Luggage

Leather suit-cases...\$6.65 to \$36.65  
Hat boxes...\$5.65 to \$20.00  
Enamel cases...\$4.35 to \$31.35  
Leather bags...\$7.20 to \$47.35  
Fitted suit-cases...\$16.65 to \$70.00

Hurt luggage. Hurt prices. Pleased customers. For the hurts of the luggage are small and do not make the goods less serviceable. While the hurt to the prices is substantial and means money in the pocket.

104 pieces. The leather pieces are of good, stout cowhide.

Main Floor, Old Building

## Open Letter to Thrifty Men About Ulsters and Suits at \$38

Dear Sir:—

From \$12 to \$17 may be saved on a new suit in the Men's Shop at Wanamaker's today.

\$38 is the price of each. Prior to yesterday none of these suits (\$50 to \$65 grades) and none of the ulsters (\$50 and \$55 grades) had been on sale.

They